

PLANNING BOARD
Tuesday, April 2, 2019 – 6:00 P.M.
GAR Room - City Hall
Meeting Minutes

City Planner Rob May stated that David Wheeler's appointment to the board was up and the Mayor chose not to reappoint him and a new member will be appointed. The members publically thanked David for his service to the City and said they were sorry to see him leave.

Members present: Acting Chair Bob Pelaggi, Toni Goncalves, Reggie Thomas and Craig Pina.

Motion (Pina) to accept the minutes from 3-5-19 as presented (second Thomas); passed unanimously.

Endorsement of ANR Plans, Subdivision Plans and/or Lot Releases

Lot Release: Lot 56 Early Street a/k/a Rosy Lane

The secretary stated that the developer has placed cash surety in an amount to secure the remaining work.

Action/Decision: Motion to release lot 56 Early St.

Motion: Pina

Second: Thomas

In favor: 4

Opposed: 0

Westbury Lane/Kelly Lane release of lots – developer has asked to postpone this request until the May meeting.

ANR for Westwood Ave./Briarcliff Ave.

Lucas Klem presented an ANR plan re-configuring the pre existing non conforming lots along Briarcliff and Westwood Ave. He noted that proposed Parcel A is still a non conforming lot that would need ZBA approval.

Bob Pelaggi said that the format needs to be altered; there are subdivision lots, lots that need ZBA relief and ANR lots on this plan. He said there are questions on the layout of the land. The existing single family home was on a pre-existing non conforming lot; once it is changed it loses its status and must comply with current zoning.

Eric Dias said there is nothing on the plan that does not meet ANR requirements. He said they are proposing four substantial lots all with frontage.

Attorney John McCluskey said he represents the abutters across the street and said that in his opinion Lot 6 is a new lot – and the new lot requires constructed frontage. He also said that there is significant wildlife in that area.

Bob Pelaggi said this is a complex plan. He said that this board is the only board that can waive frontage; he said he would like to see the building boxes on this plan to see how things will layout.

Gary Bertocci said he can bring in a road and built four homes by right; he said the ANR is the path of least resistance.

Eric Dias said that 21 days is today and the board needs to take action. The acting chair asked the secretary about the time frame; she stated that the board has 21 days from filing to take action or the plan can be constructively approved by the City Clerk. She said the options are a board vote or a withdrawal of the plan by the applicant. Eric Dias said they will not withdraw. [The actual date the plan was submitted was March 21, 2019, therefore 21 days would be April 11, 2019, not April 2, 2019 as stated by Mr. Dias]

Bob Pelaggi said that his person opinion is that a delay of one month to allow the board to speak with legal council would be in the best interest of everyone. Eric Dias asked what assurances they would have that the issues would be worked out within a month. After a short discussion the board agreed that if he came in with a revised conforming ANR plan he would not have to wait until the next meeting for signatures and board members would come into the office to sign.

David Zaff said he is the chair of the conservation commission; he said he is concerned with piece mail way this is being filed; that they are attempting to avoid storm water management. Eric Dias said he received the report from the agent and they intend to comply. Toni Goncalves said it looks like there are valid concerns. Eric Dias asked if before making their decision to withdraw if they could get an informal pole from the board. The secretary said she did not believe that has ever been done. Shane O'Brien cautioned the board about taking that action. The acting chair agreed to allow the informal poling of the board. Informally the board was split 2/2.

The applicant agreed to withdraw his application without prejudice and submitted a letter to the secretary requesting same.

Action/Decision: Motion to accept request to withdraw the applicant for ANR without prejudice.

Motion: Thomas

Second: Pina

In favor: 4

Opposed: 0

1. Proposed Zoning Map Amendment

The City of Brockton, Massachusetts Zoning District Map dated November 10, 1967, and thereafter amended, be amended to reflect the following zoning change: Parcel ID 161-095, 235 E. Ashland Street I-(current) to C-2 Zone

Applicant's statement: Councilor Anne Beauregard said she has proposed this change because she was looking to make that area more consistent with the current use. She said that Councilor Farwell also asked to be recorded in favor of the change.

Shane O'Brien said his recommendation is that the following additional parcels be included in the proposed change 161-094, 161-096, 161-097, 161-097R, 161-098, and 161-113 (shown on the attached map). He said that there is a concern that changing zoning for one individual property owner/parcel and/or property could appear as "spot zoning" or "contract zoning".

Action/Decision: Motion to recommend favorably as amended.

Motion: Pina

Second: Thomas

In favor: 4

Opposed: 0

2. Modification of Definitive Subdivision

Property: Briarcliff Rd./Front Nine Drive

Owner/Representative: William Bearce

Applicant's statement: Bill Bearce said he is in the final stages of completing the subdivision. He said that the original modification waived sidewalks on west side of subdivision on Briarcliff and the north side of Front Nine Drive. Unfortunately when the plan was signed by the board the sidewalks were shown all the way around the entire site. He wants the as built to reflect what was approved originally. He said they have elected to not install sidewalks along Front Nine Drive for esthetic reasons. Bob Pelaggi asked why he assumed he could just elect to do that. Bill Bearce said there are only three homes on the Thorny Lea side of Front Nine and it makes more sense to have a green strip instead of sidewalk. He said it will be unsightly to bring sidewalk around and chew up greenspace. Bob Pelaggi said that is not the call of the residents. He said that the problem with waiving sidewalk on a project that already received a waiver for sidewalk is that it sets a precedent. Craig Pina said this project was before the complete streets ordinance was passed and sidewalks would now be a requirement. Bob Pelaggi said that the other issues are minor.

Action/Decision: Motion to deny the request to eliminate the sidewalk along Front Nine Drive.

Motion: Pina

Second: Thomas

In favor: 4

Opposed: 0

Action/Decision: Motion to allow the installation of landscape area within the cul de sacs; new location of street lights; as built locations of the driveways and location of utility pole.

Motion: Pina

Second: Thomas

In favor: 4

Opposed: 0

3. Site Plan Approval – Request for Extension

Property: 30 Sargents Way

Initial Approval: 5/2/17

The secretary said that the applicant is seeking a two year extension. The board noted that this is not the first extension request and discussed whether or not to grant an extension or have the applicant re-apply or limit the extension time.

Councilor Susan Nicaastro said she has never been contacted by the property owner about this. She said that there is a goodly amount of trash that is collecting on the site, but will support a one year extension to be business friendly.

Action/Decision: Grant a one year extension.

Motion: Thomas

Second: Pina

In favor: 4

Opposed: 0

4. Site Plan Approval

Property: 1048 Main Street

Proposal: Office Building

Applicant/Representative: Jacobs Driscoll

Applicant's statement: Greg Driscoll said this was continued from the last meeting in order to resolve a tax issue. The secretary said she received a notice from the treasurer's office that the arrearage has been taken care of.

Action/Decision: Motion to grant site plan approval with standard conditions.

Motion: Pina

Second: Goncalves

In favor: 4

Opposed: 0

5. Site Plan Approval – **POSTPONED TO MAY 7, 2019**

Property: 2020 Main Street

Proposal: Commercial Addition

Applicant/Representative: Shoe City Auto/Strong Point Engineering

Other Business

Parking Discussion – Postponed

Updates from Board Members

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.